



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Thomas & Karin Wailgum/Map 107, Lot 21

August 17, 2011

**Applicant: Thomas & Karin Wailgum
13 Heatherwood Drive
Moultonborough, NH 03254**

Location: 13 Heatherwood Drive, Moultonborough, NH (Tax Map 107, Lot 21)

On August 3, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Thomas & Karin Wailgum (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B)(3) to allow for the construction of a 20' x 22' garage located within the side setback (2'± from the property line) on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on 13 Heatherwood Drive (Tax Map 107, Lot 21).
- 2) The applicants are the owners of record for the lot.
- 3) The proposal calls for new construction of a twenty (20) foot by twenty-two (22) foot attached garage and breezeway to the existing house on the residential lot.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The proposed garage would be located eighteen (18) feet ± into the twenty (20) foot side setback.
- 6) There is a buffer of trees on the abutting lot, between the proposed garage and the abutting home. The abutters have no objection to the proposed garage.
- 7) No members of the public spoke against the Variance request.
- 8) The applicants have two minor children (8-year-old Autistic twins) who reside in the home.

- 9) Granting the Variance will not be contrary to the public interest as the structure is in a residential neighborhood and of similar design and location to other structures.
- 10) By granting the Variance, substantial justice is done.
- 11) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single family homes.
- 12) Pursuant to RSA 674:3, the Zoning Board of Adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that: (a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance. (b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises
- 13) The Zoning Board of Adjustment chose not to place any restrictions on the variance as permitted under RSA 674:3.
- 14) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Zewski, Roseberry), and none (0) opposed, to continue the Public Hearing to August 17, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the August 17, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to August 17, 2011. The Board of Adjustment closed the public portion of the hearing on August 17, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Heal, Crowe), and none (0) opposed, to **GRANT** the request for a Variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____